

1 THE HONORABLE BARBARA J. ROTHSTEIN

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7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 IN RE: PPA LITIGATION

10 MDL No. 1407

11 THIS DOCUMENT RELATES TO:

12
13 MELISSA ARDOIN, et al

*

EDLA No. 2:02cv332 and 02-cv-02777
(W.D. Wash. at Seattle)

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15 VERSUS

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~~[PROPOSED]~~ ORDER OF PARTIAL
DISMISSAL WITH PREJUDICE

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17 AMERICAN HOME PRODUCTS
18 CORPORATION, et al

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03-CV-00777-ORD

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21 THIS MATTER came before the Court on Defendant VitaFree.com's Motion for Partial
22 Dismissal With Prejudice from the above-entitled action pursuant to Case Management Orders Nos.
23 13 and 13A. Having reviewed the statement of counsel of record for Defendants that the Plaintiff
24 Fact Sheet, if any, and/or the Affirmation submitted pursuant to Case Management Order No. 13,
25

26 VitaFree.com's Partial Motion
27 for Dismissal With Prejudice
(MDL Docket No. 1407)
28 Page 4

Leake & Andersson, LLP
1100 Poydras Street, Suite 1700
New Orleans, LA 70163
Tel: 504-585-7500
Fax: 504-585-7775

1 contain no allegations of ingestion of the Defendant's product, and the Plaintiffs having submitted
2 no opposition within 10 days, the Court finds that the plaintiffs listed on Attachment A hereto have
3 not alleged the ingestion of a PPA-containing product manufactured and/or distributed by Defendant
4 VitaFree.com.
5

6 **IT IS HEREBY ORDERED** that all remaining claims in the actions asserted by Plaintiffs
7 listed on Attachment A hereto, and by anyone suing by, through or under them, including, but not
8 limited to, any loss of consortium claims, against Defendant VitaFree.com, only, are hereby
9 dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41. The parties shall bear their
10 own attorney's fees and costs.
11

12 **DATED** this 14 day of OCTOBER, 2003.

13 
14

15 UNITED STATES DISTRICT JUDGE

16 Presented by:

17 LEAKE & ANDERSSON, LLP

18
19 By: 

20 Stanton E. Shuler, Jr. - #19152

21 Kendra L. Duay - #25652

22 1100 Poydras Street

23 Suite 1700

24 New Orleans, LA 70163

25 Tel: 504-585-7500

26 Fax: 504-585-7775

27 Attorneys for Defendant VitaFree.com

28 VitaFree.com's Partial Motion
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ATTACHMENT A

MDL DOCKET NO.	DISTRICT CT. CAUSE NO.	CASE NAME	PLAINTIFF NAME
1407	Eastern District of Louisiana No. 02-CV-332	Melissa Ardoin, et al v. American Home Products, et al	Melissa Ardoin
1407	Eastern District of Louisiana No. 02-CV-332	Melissa Ardoin, et al v. American Home Products, et al	Ronald Marretta
1407	Eastern District of Louisiana No. 02-CV-332	Melissa Ardoin, et al v. American Home Products, et al	Jo Ann Marretta, wife of Ronald Marretta